

HOUSE BILL NO. 364

INTRODUCED BY N. WILSON

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING CERTAIN MUNICIPALITIES TO SET SPEED LIMITS ON HIGHWAYS AND STREETS WITHIN THE MUNICIPALITY'S CORPORATE LIMITS; AMENDING SECTIONS 7-14-4102, 7-14-4103, 61-8-303, 61-8-309, 61-8-310, 61-8-311, AND 61-8-726, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-14-4102, MCA, is amended to read:

"7-14-4102. Regulation of trafficways and public grounds. (1) The governing body of a municipality, as defined in 7-1-4121, having a population of 20,000 or more may set speed limits on all highways and streets, as the terms are defined in 61-1-101, as provided under 61-8-303(2).

(2) The city or town council A municipality, as defined in 7-1-4121, may:

(1)(a) regulate and prevent the use or obstruction of streets, sidewalks, and public grounds by signs, poles, wires, posting handbills or advertisements, or any obstruction;

(2)(b) regulate and prohibit traffic and sales upon the streets, sidewalks, and public grounds;

(3)(c) regulate or prohibit the fast driving of horses, animals, or vehicles within the ~~city or town~~ municipality;

(4)(d) provide for and regulate street crossings, curbs, and gutters;

(5)(e) prevent horseracing or immoderate driving or riding in the streets of the ~~city or town~~ municipality and regulate and provide for the hitching of all animals on the streets;

(6)(f) regulate or prohibit coasting, skating, sliding, skateboarding, rollerblading, or tobogganing on the streets or alleys or other amusements dangerous or annoying to the inhabitants or having a tendency to frighten animals."

Section 2. Section 7-14-4103, MCA, is amended to read:

"7-14-4103. Regulation of motor vehicles. ~~(1) The council of any incorporated city or town shall have power~~ Subject to the provisions of 61-8-303, the governing body of a municipality, as defined in 7-1-4121, may, by ordinance, ~~to~~ regulate motor vehicles and their speed within the limits of ~~such city or town~~ the municipality and

1 to prescribe and enforce fines and penalties for violation of ~~such~~ the regulations.

2 (2) As used in this section, the term "motor vehicles" ~~shall include all~~ includes vehicles propelled by any
3 power other than muscular power, except traction engines, road rollers, fire wagons and engines, fire department
4 vehicles, and police patrol wagons."

5
6 **Section 3.** Section 61-8-303, MCA, is amended to read:

7 **"61-8-303. Speed restrictions.** (1) Except as provided in subsection (2), 61-8-309, 61-8-310, and
8 61-8-312, the speed limit for vehicles traveling:

9 (a) on a federal-aid interstate highway outside an urbanized area of 50,000 population or more is 75
10 miles an hour at all times and the speed limit for vehicles traveling on federal-aid interstate highways within an
11 urbanized area of 50,000 population or more is 65 miles an hour at all times;

12 (b) on any other public highway of this state is 70 miles an hour during the daytime and 65 miles an hour
13 during the nighttime;

14 (c) in an urban district is 25 miles an hour.

15 (2) (a) The governing body of a municipality, as defined in 7-1-4121, with a population of 20,000 or more
16 may set speed limits on all highways within its corporate boundaries on which the municipality or the department
17 has conducted a traffic and engineering investigation within the preceding 5 years. A municipality that exercises
18 its authority under this subsection (2)(a) shall notify the department of transportation of the speed limits set by
19 the municipality.

20 (b) A municipality that does not exercise its authority under subsection (2)(a) is subject to the speed limits
21 otherwise prescribed in this chapter.

22 (c) A violation of a speed limit imposed under subsection (2)(a) is subject to the same penalty that would
23 be imposed for the same violation in a municipality that does not exercise its authority under subsection (2)(a).

24 ~~(2)(3)~~ (3) A vehicle subject to the speed limits imposed in ~~subsection~~ subsections (1) or (2) traveling on a
25 two-lane road may exceed the speed limits imposed in ~~subsection~~ subsections (1) or (2), as applicable, by 10
26 miles an hour in order to overtake and pass a vehicle and return safely to the right-hand lane.

27 ~~(3)(4)~~ (4) Subject to the maximum speed limits set forth in ~~subsection~~ subsections (1) or (2), a person shall
28 operate a vehicle in a careful and prudent manner and at a reduced rate of speed no greater than is reasonable
29 and prudent under the conditions existing at the point of operation, taking into account the amount and character
30 of traffic, visibility, weather, and roadway conditions.

1 ~~(4)(5)~~ Except as provided in subsection (2) or when a special hazard exists that requires lower speed
2 for compliance with subsection ~~(3)~~ (4), the limits specified in this section are the maximum lawful speeds allowed.

3 ~~(5)(6)~~ "Daytime" means from one-half hour before sunrise to one-half hour after sunset. "Nighttime"
4 means at any other hour.

5 ~~(6)(7)~~ (a) The speed limits set forth in this section subsection (1) and subsections (3) through (5) may
6 be altered by the transportation commission or a local authority as authorized in 61-8-309, 61-8-310, 61-8-313,
7 and 61-8-314.

8 (b) The transportation commission may not alter a speed limit established pursuant to subsection (2)(a)
9 unless the department conducts a traffic and engineering investigation after the speed limit was established
10 pursuant to subsection (2)(a) and the investigation warrants the change."

11
12 **Section 4.** Section 61-8-309, MCA, is amended to read:

13 **"61-8-309. Establishment of special speed zones -- engineering and traffic investigation.** (1) (a)
14 If Subject to 61-8-303(7)(b), if the commission determines upon the basis of an engineering and traffic
15 investigation that a speed limit set by 61-8-303 is greater or less than is reasonable or safe under the conditions
16 found to exist at an intersection, curve, or dangerous location or on a segment of a highway less than 50 miles
17 in length under its jurisdiction, the commission may set a reasonable and safe special speed limit at that location.
18 In the case of a school zone adjacent to a state highway, the commission is not required to base its speed limit
19 determination solely upon the results of the engineering and traffic investigation.

20 (b) If a local authority requests the department of transportation or an engineer, as provided in subsection
21 (1)(c)(i), to conduct an engineering and traffic investigation based on the belief that a speed limit on a highway
22 under the jurisdiction of the department of transportation is greater than is reasonable or safe, the commission
23 may not increase the speed limit under consideration as a result of the investigation.

24 (c) (i) A local authority may request at its own expense that an engineering and traffic investigation be
25 completed by a licensed professional engineer selected from a list compiled and approved by a committee as
26 provided in subsection (1)(c)(ii).

27 (ii) A committee containing two department of transportation staff appointed by the director and two
28 representatives of associations whose membership comprises cities, towns, and counties, as authorized by
29 7-5-2141 and 7-5-4141, shall review credentials submitted by licensed professional engineers and shall determine
30 who appears on the list of individuals authorized to conduct engineering and traffic investigations for local

1 governments. The list must be updated every 2 years.

2 (iii) Upon completion of an engineering and traffic investigation conducted for a local government, the
3 department of transportation shall submit a report to the commission with findings and recommendations. The
4 commission shall decide on an appropriate speed limit based on the traffic investigation within 120 days from the
5 date the investigation is submitted to the department of transportation.

6 (d) A local authority may request a temporary special reduced or increased speed zone for a route or
7 route segment that is under consideration for a reduced or increased speed limit under subsection (1)(a), (1)(b),
8 or (1)(c). If a local authority makes multiple requests under this subsection (1)(d) for temporary special reduced
9 or increased speed zones, the local authority shall prioritize the requests. The department of transportation shall
10 conduct a preliminary visual and engineering review of a route or a route segment for which a temporary special
11 speed zone is requested. The reviewing party must include a representative of the local authority. Upon
12 completion of the preliminary review, if the department of transportation concurs with the local authority that a
13 temporary special reduced or increased speed limit is warranted, a temporary special reduced or increased speed
14 zone may be established upon formal approval by the commission. The temporary special reduced or increased
15 speed limit remains in effect until a complete traffic and engineering study has been done on the route or route
16 segment and the commission has made a determination on changing the speed limit.

17 (2) The department of transportation shall erect and maintain appropriate signs giving notice of special
18 limits. If the special limits apply to a school zone, the department shall consider the use of electronic signs in lieu
19 of or in addition to other appropriate signs. When the signs are erected, the limits are effective for those zones
20 at all times or at other times that the commission sets.

21 (3) The authority of the commission under this section includes the authority to set reduced nighttime
22 speed limits on curves and other dangerous locations.

23 (4) This section does not authorize the commission to set a statewide speed limit or to alter a speed limit
24 established pursuant to 61-8-303(2) unless specific authorization is provided.

25 (5) The violation of a speed limit established under this section is a misdemeanor offense and is
26 punishable as provided in 61-8-711."

27
28 **Section 5.** Section 61-8-310, MCA, is amended to read:

29 **"61-8-310. When local authorities may and shall alter limits or establish or alter area of school**
30 **zone.** (1) Except as provided in subsection (2), if a local authority in its jurisdiction determines on the basis of

1 an engineering and traffic investigation that the speed permitted under 61-8-303 and 61-8-309 through 61-8-313
2 is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a
3 highway, the local authority may set a reasonable and safe limit that:

4 (a) decreases the limit at an intersection;

5 (b) increases the limit within an urban district, but not to more than 65 miles an hour during the nighttime;

6 (c) decreases the limit outside an urban district, but not to less than 35 miles an hour on a paved road
7 or less than 25 miles an hour on an unpaved road; or

8 (d) decreases the limit in a school zone or in an area near a senior citizen center, as defined in 23-5-112,
9 or a designated crosswalk that is close to a school or a senior citizen center to not less than 80%, rounded down
10 to the nearest whole number evenly divisible by 5, of the limit that would be set on the basis of an engineering
11 and traffic investigation, but not less than 15 miles an hour. If warranted by an engineering and traffic
12 investigation, a local authority may adopt variable speed limits to adapt to traffic conditions by time of day,
13 provided that the variable limits comply with the provisions of 61-8-206.

14 (2) A municipality that sets speed limits pursuant to 61-8-303(2) is not subject to the provisions of
15 subsection (1).

16 ~~(2)~~(3) A board of county commissioners may set limits, as provided in subsection (1)(c), without an
17 engineering and traffic investigation on a county road.

18 ~~(3)~~(4) A local authority in its jurisdiction may determine the proper speed for all arterial streets and shall
19 set a reasonable and safe limit on arterial streets that may be greater or less than the speed permitted under
20 61-8-303 for an urban district.

21 ~~(4)~~(5) (a) An altered limit established as authorized under this section is effective at all times or at other
22 times determined by the authority when appropriate signs giving notice of the altered limit are erected upon the
23 highway.

24 (b) If a local authority decreases a speed limit in a school zone, the local authority shall erect signs
25 conforming with the manual adopted by the department of transportation under 61-8-202 giving notice that the
26 school zone has been entered, of the altered speed limit and the penalty provided in 61-8-726, and that the
27 school zone has ended.

28 ~~(5)~~(6) Except as provided in 61-8-303(2) and subsection (1)(d) of this section, the commission has
29 exclusive jurisdiction to set special speed limits on all federal-aid highways or extensions of federal-aid highways
30 in all municipalities or urban areas. The commission shall set these limits in accordance with 61-8-309.

~~(6)(7)~~ A local authority ~~establishing or altering~~ that establishes or alters the area of a school zone shall consult with the department of transportation and the commission if the school zone includes a state highway or a federal-aid highway or extension of a federal-aid highway.

~~(7)(8)~~ A local authority shall consult with district officials for a school when:

(a) establishing or altering the area of a school zone near the school; or

(b) setting a speed limit pursuant to subsection (1)(d) in a school zone near the school or pursuant to 61-8-303(2) in a school zone or area described in subsection (1)(d) of this section.

~~(8)(9)~~ A speed limit set on an unpaved road under subsection (1)(c) must be the same for all types of motor vehicles that may be operated on the road.

~~(9)(10)~~ The violation of a speed limit established under subsections (1)(a) through (1)(c) is a misdemeanor offense and is punishable as provided in 61-8-711. The violation of a speed limit established under subsection (1)(d) or 61-8-303(2) in a school zone or area described in subsection (1)(d) of this section is a misdemeanor offense and is punishable as provided in 61-8-726."

Section 6. Section 61-8-311, MCA, is amended to read:

"61-8-311. Minimum speed regulations. (1) A person may not drive a motor vehicle at a speed slow enough to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.

(2) On a two-lane highway where passing is unsafe because of oncoming traffic or other conditions, the operator of a slow-moving vehicle behind which four or more vehicles are formed in line shall turn off the roadway at the nearest area where a sufficient and safe turnout exists in order to permit the vehicles following it to proceed. If the shoulder of the highway to the right of the slow-moving vehicle is wide enough and is in a condition allowing safe travel, the operator of the slow-moving vehicle may drive onto the shoulder and proceed at a safe speed until passed. As used in this section, a slow-moving vehicle is one that is proceeding at a rate of speed less than the normal flow of traffic at the particular time and place. The department of transportation is authorized to designate and construct turnouts and to erect official traffic control devices at appropriate places advising motorists of this statute.

(3) ~~(a) If~~ Except as provided in subsection (3)(b), if the department of transportation or ~~a local authorities~~ authority within ~~their its~~ its respective ~~jurisdictions determine~~ jurisdiction determines on the basis of an engineering and traffic investigation that slow speeds on any part of a highway impede the normal and reasonable movement

1 of traffic, the commission or the local authority may set a minimum speed limit below which a person may not
2 operate a vehicle except when necessary for safe operation or in compliance with law.

3 (b) A municipality that sets speed limits pursuant to 61-8-303(2) is not subject to the provisions of
4 subsection (3)(a)."

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6 **Section 7.** Section 61-8-726, MCA, is amended to read:

7 **"61-8-726. Violating speed limit in school zone -- penalty doubled -- disposition of fines.** (1) A
8 person convicted of violating a special speed limit in a school zone imposed by a local authority pursuant to
9 61-8-303(2) or 61-8-310(1)(d) is guilty of a misdemeanor. Upon arrest and conviction, the person shall be
10 punished by a fine of not less than double the penalty provided for the violation in 61-8-711.

11 (2) The fine proceeds must be allocated as follows:

12 (a) 50% of the fine collected must be distributed as provided in 3-10-601, 46-17-402, or 46-18-235; and

13 (b) 50% must be forwarded to the local authority that adopted the special speed limit as provided in
14 61-8-303(2) or 61-8-310(1)(d) for the purposes of erecting signs providing notice of the school zone, the speed
15 limit, and the penalty or for other local law enforcement needs."

16 - END -